

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

United States of America,)	
)	DETENTION ORDER
Plaintiff,)	
)	
vs.)	
)	Case No. 1:07-mj-065
Robert James Deans,)	
)	
Defendant.)	

On November 15, 2007, the Defendant made his initial appearance in this court on an Indictment filed in the District of Minnesota. Attorney Paul Emerson appeared on the Government's behalf and moved for detention of the Defendant pending transport to the District of Minnesota. Assistant Federal Public Defender Orell Schmitz was present in the event the Defendant qualified for court appointed counsel. The Defendant was non-responsive, however, when asked whether he desired court-appointed counsel. The court interpreted his silence as his desire to proceed pro se. Mr. Schmitz was nevertheless appointed as standby or resource counsel.

Upon advising the Defendant of his rights and reviewing the charges pending against him in the District of Minnesota, the court proceeded to address the issues of identity and detention. Special Agents Robert Nance and Ben Rittmiller of the Minnesota Bureau of Criminal Apprehension provided testimony.

With respect to the issue of identity, the court finds there was sufficient evidence presented to establish that the individual present in court is the Robert James Deans named in the Indictment. As for the issue of detention, the court, for the reasons set forth below and also articulated at the close of the proceedings, finds that the Government has met its burden of demonstrating by clear and convincing evidence, first, that the Defendant is not a candidate for release upon personal

recognizance or an unsecured appearance bond and, second, that no condition or combination of conditions will reasonably assure the safety of other persons and the community. These finding are based upon: (1) the Defendant's extensive criminal history; (2) the nature of the Defendant's underlying offense; (3) the presumption arising under 18 U.S.C. § 3142(e) that no condition(s) will reasonably assure the appearance of the Defendant as required or the safety of the community; and (4) the testimony of Special Agents Nance and Rittmiller.

Accordingly, the court **GRANTS** the Government's Motion to Detention pending transport to the District of Minnesota for further proceedings. The Defendant shall be committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The Defendant shall be afforded a reasonable opportunity for private consultations with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

IT IS SO ORDERED.

Dated this 15th day of November, 2007.

/s/ Charles S. Miller, Jr.

Charles S. Miller, Jr.

United States Magistrate Judge